

EXHIBIT H

1 APPEARANCES (Continued):

2 Official Court Reporter: Debra Kekuna Chun, RPR, CRR
3 United States District Court
4 300 Ala Moana Blvd. Ste. C285
Honolulu, HI 96850
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25 Proceedings recorded by machine shorthand, transcript
produced with computer-aided transcription (CAT).

1 reference of the prior jury verdict as willful
2 infringement.

3 THE COURT: That's correct. That's correct.
4 The verdict in Judge King's case can be mentioned but
5 without reference to the finding of willful infringement
6 in that case.

7 MR. HOGAN: Thank you, Your Honor.

8 THE COURT: Turning, then, to PCT's motion in
9 limine number 5 to exclude or limit the testimony of
10 Dr. Philip Johnson.

11 Okay. As I understand it, the plaintiff is not
12 intending to call Dr. Johnson in the plaintiff's case in
13 chief; so the plaintiff doesn't care if I say, "Fine. You
14 can't call Dr. Johnson in the case in chief." But the
15 plaintiff may want to call Dr. Johnson in the rebuttal
16 portion of the case, and I'll worry about whether he can
17 come in as a rebuttal witness after I see what the defense
18 case in chief is.

19 MR. HOGAN: That's fine, Your Honor. I haven't
20 changed my mind. I'm not intending to call him in my case
21 in chief.

22 THE COURT: So it's granted -- the motion is
23 granted with respect to the plaintiff's case in chief, and
24 the court will reserve with respect to rebuttal because he
25 may not even call Dr. Johnson as a rebuttal witness. And,

1 you know, I have so many rulings to make today. Why would
2 I want to make an unnecessary one?

3 MR. LIEBELER: While we're on the subject that
4 just brings to mind the notion of the timing of trial. I
5 understood the plaintiff has six hours of witness time.
6 The defense has collectively six hours of witness time. I
7 take it that the plaintiff has to reserve part of that for
8 rebuttal, if he chooses to.

9 THE COURT: What did I say in my earlier order?

10 MR. LIEBELER: Actually, the order says six
11 hours each for a total of 10 hours. I'm not sure quite
12 how the court got there.

13 THE COURT: Did I do that? Okay.

14 MR. LIEBELER: Which suggests that the court
15 might have been correct earlier on the software issue, as
16 much as I hesitate to say that.

17 THE COURT: Sorry. Let me see if I can help you
18 guys out there.

19 Okay. Wait, now.

20 MR. LIEBELER: It's on page 37 in the court's
21 order. I've got it in front of me, if you'd like me to
22 read it.

23 THE COURT: Where does it say for a total of 10?

24 MR. LIEBELER: Second to the last sentence in
25 the full paragraph on 37, Your Honor: "Arguments outside

1 COURT REPORTER'S CERTIFICATE

2 I, Debra Kekuna Chun, Official Court Reporter,
3 United States District Court, District of Hawaii, do
4 hereby certify that the foregoing is a correct transcript
5 from the record of proceedings in the above-entitled
6 matter.

7 DATED at Honolulu, Hawaii, January 21, 2006.

8

9 /s/ Debra Chun

10 DEBRA KEKUNA CHUN

11 RPR, CRR

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